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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,761	01/12/2000	RISTO MAKIPAA	99.922	5482
7590	03/27/2006		EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF 300 SOUTH WACKER DRIVE CHICAGO, IL 60606				CHO, HONG SOL
		ART UNIT	PAPER NUMBER	2616

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/462,761	MAKIPAA, RISTO
	Examiner Hong Cho	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 January 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 26-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 26-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112, First paragraph***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 26-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Re claims 26, 35, and 43, the original specification fails to explain how to form selection data on the basis of identification and control data located in a service multiplex.

Re claims 39 and 40, the original specification fails to explain how to automatically generate selection data from the basis of identification and control data located in a service multiplex.

Claims 27-34, 36-38, 41, and 42 depend from claims 26 and 35 are therefore similarly rejected.

***Claim Rejections - 35 USC § 112, Second paragraph***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 26-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 26 and 35, it is not clear what is meant by “providing the customer with the identified service or identification from the service multiplex”. It is not clear what the identified or identification service is.

Re claims 26, 35, 39, 40 and 43, it is not clear what is meant by “identification and control data”. It is not clear what identification data are and what control data are.

Claims 27-34, 36-38, 41, and 42 depend from claims 26 and 35 are therefore similarly rejected.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 26-32 and 34-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiga et al (U.S 6005562), hereinafter referred to as Shiga.

Re claims 26, 39, 40, and 43, Shiga discloses providing a customer with service information via a terminal connected to a telecommunication network (figure 20, column 15, lines 46-52). Shiga discloses multiplexing Electric Program Guide (EPG) data (*selection data*) with program data to produce a multiplexed frame (*service multiplex*) (*multiplexing a plurality of service data in a frame format for service transmission*, column 6, lines 26-30), where data (*identification and control data*) used to produce EPG data are transmitted with program data (*service data*) in a multiplexed frame (*identification and control data of the service data are located in at least one frame of the multiplexed frames to be transmitted with the respective service data*, column 12, lines 35-40), producing EPG data based on several tables including service description table (*forming selection data for the selection of the service data on the basis of the identification and control data located in the service multiplex*, column 12, lines 33-40), sending EPG data without program data to the customer for making selection (*transmitting the selection data separately, without the actual service data of the service multiplex, to the customer terminal for displaying the selection data*, column 6, lines 1-10), and providing a program selected by a user over respective broadcast channels after

*a user selects a program displayed on a display screen (in response to the user selecting a service displayed on a display unit, identifying the selected service on the basis of said identification and control data associated with the selected service and transmitted in multiplexed frames, and providing the customer with the identified service from the service multiplex, column 9, lines 32-50).*

Re claim 27, Shiga discloses transmitting program guide data and program data to a user through different networks (*transmitting the selection data to the customer terminal via a different network than the service multiplex is transmitted, column 4, lines 5-18*).

Re claim 28, Shiga discloses creating a service directory from identification and control data, which service directory comprises the selection data and presents the services on a display unit (figure 13, column 12, lines 33-40).

Re claim 29, Shiga discloses creating a separate program table such as service description table, event information table and time data table and transmitting these tables to a user as a program guide (*compiling a separate service directory on the basis of said identification and control data and transmitting said service directory to the display unit in response to said display unit connecting to a telecommunication network, figure 13, column 12, lines 33-40*).

Re claims 30 and 31, Shiga discloses compiling service directory from the identification and control data of several multiplexed frames comprising a plurality of services (figure 13, column 12, lines 33-40).

Re claim 32, Shiga discloses transmitting additional program data over a particular broadcast channel for a given period of time (*updating service directory continuously to servers operating in the telecommunication network in accordance with the predetermined multiplexed services and transmitting said directory service to the display unit in response to said display unit establishing a connecting to said telecommunication network*, column 9, lines 36-47).

Re claim 34, Shiga discloses delivering program data in a multiplexed frame to a user over a particular broadcast channel (*routing the selected service from the transmitting address to the receiver automatically on the basis of said identification and control data of the multiplexed frame*, column 12, lines 20-29).

Re claim 35, Shiga discloses a terminal connected to a telecommunication network receiving service information (figure 20, column 15, lines 46-52). Shiga discloses receiving Electric Program Guide (EPG) data (*selection data*) of a plurality of program data of a service provider in multiplexed frame (*receiving selection data regarding a plurality of service data of a service provider*, column 6, lines 26-30), where program guide data is displayed on a user's display unit (*display the selection data of the service*), producing EPG data based on several tables including service description table (*selection data is formed from identification and control data located in the service multiplex*, column 12, lines 33-40), sending EPG data without program data to the customer for making selection (*transmitting the selection data separately, without the actual service data of the service multiplex, to the customer terminal for displaying the selection data*, column 6, lines 1-10), and providing a program selected by a user over

respective broadcast channels after a user selects a program displayed on a display screen  
(*in response to the user selecting a service displayed on a display unit, identifying the selected service on the basis of said identification and control data associated with the selected service and transmitted in multiplexed frames, and providing the customer with the identified service from the service multiplex*, column 9, lines 32-50).

Re claim 36, Shiga discloses transmitting program guide data and program data to a user through different networks (*transmitting the selection data to the customer terminal via a different network than the service multiplex is transmitted*, column 4, lines 5-18).

Re claim 37, Shiga discloses a terminal arranged to receive the service directory comprising the selection data and formed from the identification and control data (figure 13, column 12, lines 33-40).

Re claim 38, Shiga discloses a terminal, wherein the terminal is a television or a computer (figure 20, element 4).

Re claim 41, Shiga discloses producing EPG data based on several tables including service description table (*forming automatically selection data for the selection of the service data on the basis of the identification and control data located in the service multiplex*, column 12, lines 33-40).

Re claim 42, Shiga discloses presenting services on the display unit in a form of an icon (column 5, lines 26-28).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga.

Re claim 33, Shiga discloses selecting a user service displayed on the display unit, but fails to disclose determining the most suitable telecommunication network for delivering the service and delivering the service selected by the user from the transmitting address to the receiver via the determined telecommunication network. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shiga to perform a process of determining the most suitable telecommunication network for delivering the service and delivering the service selected by the user from the transmitting address to the receiver via the determined telecommunication network. The motivation is to deliver more reliable and rapid service to a user.

***Response to Arguments***

9. Applicant's arguments with respect to claims 26-43 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - US Patent (6493876) to DeFreese et al
  - US Patent (6493876) to Wasilewski
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner  
3/23/2006

  
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